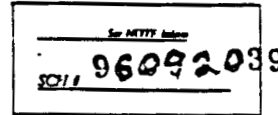


Notice of Completion

Mail to: State Clearinghouse, 1401 Town Street, Sacramento, CA 95834 916-445-4413



Project Title: Negative Declaration for the approval, adoption, and implementation of the landfill Financial Assurance Enforcement Regulations

Lead Agency: California Integrated Waste Management Board

Contact Person: Bill Ismael

Street Address: 8800 Cal Center Drive **Phone:** (916) 255-3305

City: Sacramento **Zip:** 95826 **County:** Sacramento

Project Location:

County: Statewide **City/Nearest Community:** N/A, not site specific

Cross Streets: _____ **Zip:** _____ **Total Acres:** _____ **APN:** _____

Section: _____ **Twp:** _____ **Range:** _____ **Base:** _____

Within 2 Miles: **State Hwy #:** _____ **Waterways:** _____ **Airports:** _____

Railways: _____ **Schools:** _____

Document Type:

CEQA: ☐ NOP ☐ Supplemental/Subsequent
☐ Early Cons ☐ Neg Dec
☐ Draft EIR ☐ Final Document
☐ EIR (Prior SCH No.) _____
☐ Other _____

NEPA: ☐ NCI
☐ Joint Document
☐ Draft EIS ☐ EA
☐ Other _____
☐ FONSI

Local Action Type:

☐ General Plan Update ☐ Specific Plan ☐ Rezone ☐ Annexation
☐ General Plan Amendment ☐ Master Plan ☐ Redevelopment ☐ Prezone
☐ General Plan Element ☐ Planned Unit Development ☐ Coastal Permit ☐ Use Permit
☐ Community Plan ☐ Site Plan ☐ Land Div (Subdivision) ☐ Other _____

Development Type:

☐ Residential: Units _____ Acres _____ ☐ Water Facilities: Type _____ MGD _____
☐ Office: Sq.Ft. _____ Acres _____ Employees _____ ☐ Transportation: Type _____
☐ Commercial: Sq.Ft. _____ Acres _____ Employees _____ ☐ Mining: Mineral _____
☐ Industrial: Sq.Ft. _____ Acres _____ Employees _____ ☐ Power: Type _____ Watts _____
☐ Educational _____ ☐ Other: _____

Project Issues Discussed in Document:

☐ Aesthetic/Visual ☐ Flood Plain/Flooding ☐ Schools/Universities
☐ Water Quality ☐ Agricultural Land ☐ Forest Land/Fire Hazard
☐ Septic Systems ☐ Water Supply/Groundwater ☐ Air Quality
☐ Geologic/Seismic ☐ Sewer Capacity ☐ Wetland/Riparian
☐ Archeological/Historical ☐ Minerals ☐ Soil Erosion/Compaction/Grdng
☐ Wildlife ☐ Coastal Zone ☐ Noise
☐ Solid Waste ☐ Growth Inducing ☐ Drainage/Absorption
☐ Population/Housing Balance ☐ Toxic/Hazardous ☐ Land use
☐ Economic/Jobs ☐ Public Services/Facilities ☐ Traffic/Circulation
☐ Cumulative Effects ☐ Fiscal ☐ Recreation/Parks
☐ Vegetation ☐ Other _____

Present Land Use/Zoning/General Plan Use: N/A

Project Description:

CIWMB approval, adoption, and implementation of the Financial Assurance Enforcement Regulations for solid waste landfills as proposed in amendments to Title 27, Division 2, Subdivision 1, Chapter 6, Subchapter 4, Articles 1, Sections 22270 through 22278 of the California Code of Regulations.

State Clearinghouse Contact: Ms. Angel Howell
(916) 445-0613

Project Sent to the following State Agencies

State Review Began: 9-18-96

Dept Review to Agency: 10-11

Agency Rev to SCH: 10-16

SCH COMPLIANCE: 10-18

Please note SCH Number on all Comments

96092039

Please forward late comments directly to the Lead Agency.

AQMD/APCD (Resources): 921

☒ **Resources**
☐ Boating
☐ Coastal Comm
☐ Coastal Cons
☐ Colorado Rvr Bd
☐ Conservation
☒ **Fish & Game # 2**
☐ Delta Protection Commission
☐ Forestry
☐ Parks & Rec/OHP
☐ Reclamation
☐ BCDC
☐ DWR
☐ OES
☐ Bus Transp Hous
☐ Aeronautics
☒ **CHP**
☒ **Caltrans # 3**
☐ Trans Planning
☐ Housing & Devel
☐ Health & Welfare
☒ **Dept. of Health**
☐ Medical Waste

State/Consumer Svcs
 General Services
 Cal/EPA
☒ **ARB**
☐ CA Waste Mgmt Bd
☐ SWRCB: Grants
☐ SWRCB: Delta
☒ **SWRCB: Wtr Quality**
☒ **SWRCB: Wtr Rights**
☒ **Reg. WQCB # 2**
☒ **DTSC/CTC Sec.**
 Yth/Adlt Corrections
 Corrections
 Independent Comm
 Energy Comm
 NAHC
 PUC
 Santa Mn Mtns
☒ **State Lands Comm**
☐ Tahoe Rgl Plan
 Other: _____

PUBLIC NOTICE

Availability of the Proposed Negative Declaration for the approval, adoption, and implementation of Financial Assurance Enforcement Regulations for solid waste landfills: Title 27, Division 2, Subdivision 1, Chapter 6, Subchapter 4, Article 1, Sections 22270 through 22278 of the California Code of Regulations. State Clearinghouse #XXXXXXXXXX

The California Integrated Waste Management Board (CIWMB) has released, for public review, a proposed Negative Declaration (Neg. Dec.) for the approval, adoption, and implementation of Financial Assurance Enforcement Regulations for solid waste landfills: Title 27, Division 2, Subdivision 1, Chapter 6, Subchapter 4, Article 1, Sections 22270 through 22278 of the California Code of Regulations. The proposed Neg. Dec. discusses potential environmental impacts associated with the adoption and implementation of the proposed Financial Assurance Enforcement Regulations.

The proposed Neg. Dec. finds that these regulations will not have a significant effect on the environment and that an Environmental Impact Report (EIR) is therefore not required under the provisions of the California Environmental Quality Act of 1970 (as amended).

Copies of the proposed Neg. Dec. are available at the location indicated below:

California Integrated Waste Management Board
Environmental Review Section
Permitting and Enforcement Division
8800 Cal Center Drive
Sacramento, CA 95826
Attention: Bill Ishmael

The final filing date for written comments is October 23, 1996. Comments should be submitted in writing to the above address. Following the public review period on the proposed Neg. Dec., all comments will be considered by the CIWMB prior to a decision on the adoption of the Neg. Dec. Consideration of the adoption of the Neg. Dec. is scheduled for November 20, 1996 at the CIWMB regular Board meeting in Sacramento. If there are any questions, please contact Bill Ishmael at (916) 255-3305.

SCA = will be determined and filed in on 9/18/96

Notice of Completion

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

See NOTE below

Project Title: Negative Declaration for the approval, adoption, and implementation of the landfill Financial Assurance Enforcement Regulations

SCH # _____

Lead Agency: California Integrated Waste Management Board

Contact Person: Bill Ishmael

Street Address: 8800 Cal Center Drive Phone: (916) 255-3305

City: Sacramento Zip: 95826 County: Sacramento

Project Location:

County: Statewide City/Nearest Community: N/A, not site specific

Cross Streets: _____ Zip: _____ Total Acres: _____ APN: _____

Section: _____ Twp: _____ Range: _____ Base: _____

Within 2 Miles: State Hwy #: _____ Waterways: _____ Airports: _____

Railways: _____ Schools: _____

Document Type:

CEQA: ☐ NOP ☐ Supplemental/Subsequent

☐ Early Cons ☒ Neg Dec

☐ Draft EIR ☐ Final Document

☐ EIR (Prior SCH No.) _____

☐ Other _____

NEPA: ☐ NOI

☐ Joint Document

☐ Draft EIS ☐ EA

☐ Other _____

☐ FONSI

Local Action Type:

☐ General Plan Update ☐ Specific Plan

☐ General Plan Amendment ☐ Master Plan

☐ General Plan Element ☐ Planned Unit Development

☐ Community Plan ☐ Site Plan

☐ Rezone

☐ Redevelopment

☐ Coastal Permit

☐ Land Div (Subdivision, ☐ Other _____

☐ Annexation

☐ Prezone

☐ Use Permit

Development Type:

☐ Residential: Units _____ Acres _____

☐ Office: Sq.Ft. _____ Acres _____ Employees _____

☐ Commercial: Sq.Ft. _____ Acres _____ Employees _____

☐ Industrial: Sq.Ft. _____ Acres _____ Employees _____

☐ Educational _____

☐ Water Facilities: Type _____ MGD _____

☐ Transportation: Type _____

☐ Mining: Mineral _____

☐ Power: Type _____ Watts _____

☐ Other: _____

Project Issues Discussed in Document:

☒ Aesthetic/Visual

☒ Water Quality

☐ Septic Systems

☐ Geologic/Seismic

☐ Archeological/Historical

☐ Wildlife

☐ Solid Waste

☐ Population/Housing Balance

☐ Economic/Jobs

☐ Cumulative Effects

☐ Vegetation

☐ Flood Plain/Flooding

☐ Agricultural Land

☒ Water Supply/Groundwater

☐ Sewer Capacity

☐ Minerals

☐ Coastal Zone

☐ Growth Inducing

☒ Toxic/Hazardous

☐ Public Services/Facilities

☐ Fiscal

☐ Other _____

☐ Schools/Universities

☐ Forest Land/Fire Hazard

☒ Air Quality

☐ Wetland/Riparian

☐ Soil Erosion/Compaction/Grdng

☐ Noise

☐ Drainage/Absorption

☐ Land use

☒ Traffic/Circulation

☐ Recreation/Parks

Present Land Use/Zoning/General Plan Use: N/A

Project Description:

CIWMB approval, adoption, and implementation of the Financial Assurance Enforcement Regulations for solid waste landfills as proposed in amendments to Title 27, Division 2, Subdivision 1, Chapter 6, Subchapter 4, Articles 1, Sections 22270 through 22278 of the California Code of Regulations.

Revised October 1989

GUIDELINES

Viewing Agencies Checklist

Supplementary Document N

KEY
S = Document sent by lead agency
X = Document sent by SCH
/ = Suggested Distribution

Resource Agency

☐ Boating & Waterways
☐ Coastal Commission
☐ Coastal Conservancy
☐ Colorado River Board
☐ Conservation
☐ Fish & Game
☐ Forestry
☐ Office of Historic Preservation
☐ Parks & Recreation
☐ Reclamation
☐ S.F. Bay Conservation & Development Comm.
☐ Water Resources (DWR)

Cal-EPA

☐ Air Resources Board
☐ APCD/AQMD
☐ California Waste Management Board
☐ SWRCB: Clean Water Grants
☐ SWRCB: Delta Unit
☐ SWRCB: Water Quality
☐ SWRCB: Water Rights
☐ Regional WQCB # ()

Business, Transportation & Housing

☐ Aeronautics
☐ California Highway Patrol
☐ CALTRANS District #
☐ Department of Transportation Planning Hqs.
☐ Housing & Community Development
☐ Food & Agriculture

Youth & Adult Corrections

☐ Corrections

Independent Commissions & Offices

☐ Energy Commission
☐ Native American Heritage Commission
☐ Public Utilities Commission
☐ Santa Monica Mountains Conservatory
☐ State Lands Commission
☐ Tahoe Regional Planning Agency

Health & Welfare

☐ Health Services

State & Consumer Services

☐ General Services
☐ Schools

☐ Other OLA

PUBLIC REVIEW PERIOD (To be filled in by lead agency)

Starting Date September 20, 1992
 Signature William J. Stival

Ending Date October 23, 1996
 Date Sept 18, 1996

Lead Agency Complete if Applicable

Consulting Firm: _____
 Address: _____
 City/State/Zip: _____
 Contact: _____
 Phone: () _____

For SCH Use Only:

Date Received at SCH _____
 Date Review Starts _____
 Date to Agencies _____
 Clearance Date _____
 Notes:

Applicant:

Address: _____

City/State _____



Cal/EPA

California
Environmental
Protection
Agency

Integrated
Waste
Management
Board

8800 Cal Center Dr.
Sacramento CA 95826
(916) 255-2200



Pete Wilson
Governor

James M. Strock
Secretary for
Environmental
Protection

INITIAL STUDY AND PROPOSED NEGATIVE DECLARATION

September 18, 1996

To: Interested Agencies

From: William L. Ishmael, Waste Management Specialist
Environmental Review Section
Permitting and Enforcement Division
California Integrated Waste Management Board (CIWMB)
8800 Cal Center Drive.
Sacramento, CA 95826

Subject: Initial Study and proposed Negative Declaration for the approval, adoption and implementation of financial assurances enforcement regulations for solid waste landfills as they pertain to the CIWMB.

The California Integrated Waste Management Board (CIWMB) Permitting and Enforcement Division, acting as Lead Agency, has prepared an Initial Environmental Study and Checklist to: 1) identify potential environmental effects that might result from this proposed project; 2) determine whether any such impacts are significant; 3) ascertain whether significant impacts can be mitigated to a level of insignificance in compliance with the CEQA Statutes and Guidelines; and 4) determine whether to prepare a Negative Declaration or Environmental Impact Report for the proposed project.

This Initial Study and proposed Negative Declaration are being forwarded to responsible and interested agencies for review and comment in compliance with California Environmental Quality Act (CEQA) Guidelines, California Code of Regulations (CCR) Sections 15063(g) and 15071. Review and comments from interested agencies will be important in evaluating this proposed project and in assisting the Lead Agency in making environmental determinations. The Lead Agency is considering the adoption of a Negative Declaration for this proposed project (attached); however, the final decision to adopt the Negative Declaration or prepare and circulate an Environmental

Impact Report will be made only after consultation with, and comments are received from. Responsible Agencies and other interested parties.

All written comments received by October 23, 1996, regarding this environmental review will be considered by the CIWMB prior to project approval, as required in CEQA Guidelines. CCR Section 15074(b).

PROJECT DESCRIPTION

The project addressed by this California Environmental Quality Act (CEQA) review is the proposed approval, adoption, and implementation of regulations to amend Title 27, California Code of Regulations (CCR), Division 2, Subdivision 1, Chapter 6, by adopting a new Subchapter 4, Article 1, Sections 22270 through 22278.

The proposed regulations will:

- 1) exclude State and Federal Agencies from financial assurance enforcement regulations;
- 2) define the scope and responsibilities of CIWMB staff in appropriate financial assurance enforcement action; and
- 3) ensure effective and consistent enforcement in the area of financial assurance requirements for the operational liability and closure costs of solid waste landfills in California.

The proposed regulations define and clarify the scope, responsibility, notification steps, and penalty assessment methods for the enforcement of financial assurance requirements under existing statutes and regulations. They do not create any new requirements, or penalties.

CIWMB staff, as proposed in the regulations, will have sole responsibility for implementing financial assurance enforcement procedures unless this responsibility is assumed by the Local Enforcement Agency (LEA) under provisions of other statutes or regulations.

The environmental setting for the proposed project is statewide and is not site specific.

No significant environmental effects have yet been identified; therefore, no mitigation measures are currently proposed for the project (see attached Environmental Checklist Form).

The proposed project is not site specific, therefore a discussion of the environmental setting is not applicable. For the same reason, a discussion of zoning, land use plans and other land use controls are not applicable to this project.

The person preparing this Initial Study is: William L. Ishmael, of the Environmental Review Section of the CIWMB (916-255-3305). Background information was provided by Diana Vaughn Thomas of the CIWMB Financial Assurance Section.

INFORMATIVE DIGEST

The California Integrated Waste Management Act (Act), Public Resources Code (PRC) section 40000 et seq., provides for the protection of public health and safety, and the environment through waste prevention, waste diversion, and safe waste processing and disposal. PRC section 40502 requires the CIWMB to adopt rules and regulations to implement this Act without duplicating current requirements under the authority of the State Air Resources Board or the State Water Board (PRC section 43020).

According to the PRC. sections 43040, and 43600, owners or operators of solid waste landfills are required to provide evidence to the CIWMB, of financial ability to pay for the costs of closure and postclosure maintenance, and operating liability coverage for third party claims. CIWMB staff are responsible for evaluating and monitoring the required financial assurances demonstrations, and if necessary, pursuing appropriate enforcement action against owners or operators violating the financial assurances statutes and regulations. The proposed regulations define the scope and responsibilities of CIWMB staff in pursuing appropriate enforcement action, and ensure effective and consistent enforcement in the area of financial assurances for solid waste landfills.

CIWMB staff are proposing the attached draft regulations to facilitate continued operator compliance with the solid waste landfill financial assurance requirements.

AUTHORITY AND REFERENCE

Public Resources Code. Sections 40502, 45000, 45005, 45011 and 45023 provide authority for the adoption of these regulations. The purpose of the proposed actions are to implement, interpret, and make specific Public Resources Code sections 45000, 45005, 450010, 450011, and 45023.

HISTORY

The CIWMB has determined that there is a need for detailed guidelines regarding enforcement procedures related to financial assurance violations for solid waste landfills. In early 1995, CIWMB staff began to prepare and circulate draft procedures for implementing an effective financial assurances enforcement program at the CIWMB.

The proposed Financial Assurances Enforcement Procedures, the basis for the proposed regulatory package, were prepared by CIWMB staff and disseminated to interested parties, on three occasions in early 1996 who offered comments on the procedures. These proposed regulations incorporate comments from Local Enforcement Agencies, facility operators and owners, industry representatives and other interested parties.

This Initial Study and Negative Declaration are being circulated for review at the same time that a draft of the proposed financial assurance enforcement regulations (attached) are being circulated for final review by interested parties, prior to final approval of the regulations and adoption of the Negative Declaration by the CIWMB. Recommended changes have been incorporated into the draft regulations currently being circulated. If comments are received

on the draft regulations that result in changes to the regulations that could result in a potential environmental impact, a subsequent environmental evaluation, in compliance with CEQA, will be completed for those required changes.

OVERVIEW

CIWMB staff believe steps must be taken to implement an effective financial assurances enforcement program by the CIWMB. There is a need for clear detailed guidelines regarding enforcement procedures related to financial assurance violations. The proposed regulations establish the procedure for implementing an effective financial assurances enforcement program at the CIWMB.

These proposed financial assurance enforcement regulations for solid waste landfills will do the following:

Section 22270. Scope and Applicability.

Identifies solid waste landfill owners and operators subject to enforcement requirements. Excludes State and Federal operators and owners.

Section 22271. Definitions.

Defines additional terms.

Section 22272. Notice of Violation (NOV).

Describes CIWMB format for sending NOVs. requires LEA notification, delineates the time allowed for response to a NOV, describes the CIWMB discretion in determining "good faith" efforts, and gives the CIWMB the option of extending the timeframe.

Section 22273. Issuance of Notice and Order and/or Stipulated Notice and Order.

Defines the subsequent enforcement action of issuing a Notice and Order, delineates the time allowed for response to a Notice and Order, defines the circumstances leading to a Stipulated Notice and Order, and defines CIWMB action in the event of non-compliance with regulatory timeframe requirements.

Section 22274. Compliance Options.

Describes examples of compliance options other than penalties the CIWMB may consider to allow flexibility in enforcement.

Section 22275. Penalty Calculations

Describes the criteria by which the CIWMB will assess penalty amounts, using matrix and formula.

Section 22276. Processing and Collection of Civil Penalty.

Broadly defines the process for assessing and collecting civil penalties.

Section 22277. Appeals Process.

Defines the appeals process by referencing the appropriate Public Resources Code.

Section 22278. Continued or Recurring Violations.

Defines the timeframe for reinitiation of enforcement procedures in the case of uncorrected or recurring violations, and references the Public Resources Code Section providing authority to revoke a permit, and/or close a facility for violation of the regulations.

Notice and Orders and Stipulated Notice and Orders executed according to the proposed regulations will provide flexibility to all interested parties, by allowing the CIWMB and LEAs to consider permit actions and closure plan approvals while an operator is under an enforcement action.

Currently there are no comparable federal statutes or regulations regarding financial assurances enforcement procedures for solid waste landfills.

PLAIN ENGLISH REQUIREMENTS

The CIWMB has written the proposed financial assurance enforcement regulations as clearly and concisely as possible in order to make them understandable and useful to affected parties, as well as to comply with the Plain English Requirements in PRC Sections 11342(e) and 11346.5(B).

ENVIRONMENTAL CHECKLIST AND ANALYSIS

An ENVIRONMENTAL CHECKLIST FORM is attached to this Initial Study that lists, in matrix form, the potential for significant environmental impacts that could result from the implementation of this proposed project. This form also includes an ENVIRONMENTAL CHECKLIST ANALYSIS that analyses the potential for these effects and presents findings made by the Lead Agency.

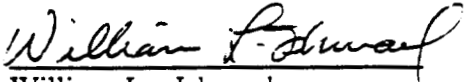
SUMMARY

Comments and suggestions from Responsible Agencies and other interested agencies are hereby solicited for this proposed project. These comments and suggestions should help the Lead Agency in the identification of potential significant environmental effects that might result from this proposed project, the recommendation of mitigation measures to address any potential significant effects, and recommendations for the type of environmental document to be prepared for this proposed project.

Please submit your written comments to this office at the above address no later than October 23, 1996. Comments received after this date may not be considered by the CIWMB prior to project approval.

If there are any questions, please contact me at (916) 255-3305.

Sincerely,



William L. Ishmael
Environmental Review Staff
Permits Branch
Permitting and Enforcement Division
CIWMB

ATTACHED:

Environmental Checklist and Environmental Checklist Analysis

Draft of Proposed Regulations

ENVIRONMENTAL CHECKLIST FORM

PROPOSED FINANCIAL ASSURANCE ENFORCEMENT REGULATIONS FOR SOLID WASTE LANDFILLS

1. Project Title:
Approval, Adoption, and Implementation of Regulations to
Facilitate Enforcement of Solid Waste Landfill Financial Assurance
Requirements. (Article 1, § 22270 through § 22278 of Title 27, CCR.)
2. Lead Agency Name and Address:
The California Integrated Waste Management Board (CIWMB)
Permitting and Enforcement Division
8800 Cal Center Drive
Sacramento, CA 95826
3. Contact Person and Phone Number:
William L. Ishmael
CIWMB Environmental Review Section
(916) 255-3305
4. Project Location: Statewide
5. Project Sponsor's Name and Address: CIWMB (see above)
6. General Plan Designation: NA 7. Zoning: NA
8. Description of Project:
The CIWMB is proposing to adopt regulations to establish procedures and requirements necessary to facilitate enforcement of operator compliance with financial assurance requirements for solid waste landfills. The project addressed by this California Environmental Quality Act (CEQA) review is the proposed approval and adoption of regulations that: 1) exclude State and Federal agencies from California Financial Assurance Requirements; 2) define the scope and responsibilities of CIWMB staff in pursuing appropriate enforcement action regarding financial assurance requirements; and 3) ensure effective and consistent enforcement of financial assurance requirements for operational liability and closure and post closure maintenance costs at solid waste landfills.
- This proposed project will affect only financial assurance requirements for the operation and closure of solid waste landfills throughout California. The environmental setting for the project is statewide and is not site specific.
- No significant environmental effects have been identified, therefore no mitigation measures are proposed for the project.
9. Surrounding Land Uses and Setting:
The proposed project is statewide, and not site specific.
10. Other Public Agencies whose approval is required:
Not applicable.

ENVIRONMENTAL CHECKLIST FORM

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | |
|--|---|
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Transportation/Circulation |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Population and Housing |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Geological Problems | <input type="checkbox"/> Energy and Mineral Resources |
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Water |
| <input type="checkbox"/> Hazards | <input type="checkbox"/> Cultural Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared. ☒

I find that although the proposed project could have a significant effect(s) on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared. ☐

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. ☐

I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effect that remain to be addressed. ☐

ENVIRONMENTAL CHECKLIST FORM

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project. ☐

[Signature]
Signature

9/17/96
Date

Mark de Bie
Printed Name

CIWMB
For

ENVIRONMENTAL CHECKLIST FORM

Issues

(and Supporting Information Sources)

SAMPLE QUESTION: Would the proposal result in potential impacts involving:

Landslides or mudslides? (1,6)

☐ ☐ ☐ ☐

(Attached source would explain that 1 is the General Plan, and 6 is a USGS topo map. See Supporting Information Sources after Checklist Analysis)

CHECKLIST

I. LAND USE AND PLANNING. Would the proposal:

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Conflict with general plan designation or zoning? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Be incompatible with existing land use in the vicinity? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) | Affect agricultural resources or operations (e.g. impacts to soils or farmlands, or impacts from incompatible land uses)? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) | Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

I. POPULATION AND HOUSING. Would the proposal:

- a) Cumulatively exceed official regional or local population projections? (1)
- b) Induce substantial growth in an area, either directly or indirectly? (1)
- c) Displace existing housing, especially affordable housing? (1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III. GEOLOGIC PROBLEMS. Would the proposal result in or expose people to potential impacts involving:

- a) Fault rupture? (1)
- b) Seismic ground shaking? (1)
- c) Seismic ground failure, including liquefaction? (1)
- d) Seiche, tsunami, or volcanic hazard? (1)
- e) Landslides or mudflows? (1)
- f) Erosion, changes in topography or unstable soil conditions from excavation, grading or fill? (1)
- g) Subsidence of the land? (1)
- h) Expansive soils? (1)
- i) Unique geologic or physical features? (1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Potentially Significant unless Mitigated	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

IV. WATER. Would the proposal result in:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of people or property to water related hazards such as flooding? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Discharge into surface waters or other alteration of surface water quality (e.g. temperature, dissolved oxygen or turbidity)? (2) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Altered direction or rate of flow of groundwater? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Changes in currents, or the course or direction of water movements? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Altered direction or rate of flow of groundwater? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Impacts to groundwater quality? (2) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| i) Substantial reduction of groundwater otherwise available for public water supplies? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Potentially Significant unless Mitigated	Less Than Significant Impact	No Impact
V. AIR QUALITY. Would the proposal:				
a) Violate any air quality standard or contribute to an existing or projected air quality violation? (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Expose sensitive receptors to pollutants? (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Alter air movement, moisture, or temperature or cause any change in climate? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create objectionable odors? (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VI. TRANSPORTATION/CIRCULATION. Would the proposal result in:				
a) Increased vehicle trips or traffic congestion? (2)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Hazards to safety from design features (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Inadequate emergency access or access to nearby uses? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Insufficient parking capacity on-site or off-site? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Hazards or barriers for pedestrians or bicyclists? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflicts with adopted policies supporting alternative transportation (e.g. bus turnouts, bicycle racks)? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Rail, waterborne or air traffic impacts? (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Potentially Significant unless Mitigated	Less Than Significant Impact	No Impact
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BIOLOGICAL RESOURCES. Would the proposal result in impacts to:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Locally designated species (e.g. heritage trees)? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Locally designated natural communities (e.g. oak forest, coastal habitat, etc.)? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Woodland habitat (e.g. marsh, riparian and vernal pool)? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Wildlife dispersion or migration corridors? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VIII. ENERGY AND MINERAL RESOURCES.

Would the proposal:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with adopted energy conservation plans? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Use non-renewable resources in a wasteful and inefficient manner? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Potentially Significant Impact	Potentially Significant unless Mitigated	Less Than Significant Impact	No Impact
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IX. HAZARDS. Would the proposal involve:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) A risk of accidental explosion or release of hazardous substances (including, but not limited: oil pesticides, chemicals or radiation? (2) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Possible interference with an emergency response plan or emergency evacuation plan? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) The creation of an health hazard or potential health hazard? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Exposure of people to existing sources of potential health hazards? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Increased fire hazard in areas with flammable brush, grass, or trees? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

X. NOISE. Would the proposal result in:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increases in existing noise levels? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of people to severe noise levels? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XI. PUBLIC SERVICES. would the proposal have an effect upon, or result in a need for new or altered government services in any of the following area:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fire protection? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Police protection? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Schools? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Maintenance of public facilities, including roads? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

PUBLIC SERVICES. (continued)

- e) Other governmental services?
(1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XII. UTILITIES AND SERVICE SYSTEMS.

Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:

- a) Power or natural gas? (1)
b) Communication systems?
(1)
c) Local or regional water treatment or distribution facilities? (1)
d) Sewer or septic tanks?
(1)
e) Storm water drainage? (1)
f) Solid waste disposal? (1)
g) Local or regional water supplies? (1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. AESTHETICS. Would the proposal:

- a) Affect a scenic vista or scenic highway? (1)
b) Have a demonstrable negative aesthetic effect? (2)
c) Create light or glare?
(1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. CULTURAL RESOURCES. Would the Proposal:

- a) Disturb paleontological resources? (1)
b) Disturb archaeological resources? (1)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Potentially Significant unless Mitigated	Less Than Significant Impact	No Impact
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XIV. CULTURAL RESOURCES. (continued)

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Affect historical resources?
(1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Have the potential to cause a
physical change which would
affect unique ethnic cultural
values? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Restrict existing religious
or sacred uses within the
potential impact area?
(1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XV. RECREATION. Would the proposal:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Increase the demand for
neighborhood or regional
parks or other recreational
facilities? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Affect existing recreational
opportunities? (1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XVI. MANDATORY FINDINGS OF SIGNIFICANCE

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Does the project have the
potential to degrade the
quality of the environment,
substantially reduce the
habitat of a fish or wildlife
species, cause a fish or
wildlife population to drop
below self sustaining levels,
threaten to eliminate a plant
or animal community, reduce
the number or restrict the
range of a rare or endangered
plant or animal or eliminate
important examples of the
major periods of California
history or prehistory? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Does the project have the
potential to achieve short-
term, to the disadvantage of
long-term environmental
goals? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

I. MANDATORY FINDINGS OF SIGNIFICANCE (continued)

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) | Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) | Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XVII. EARLIER ANALYSES

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

- Earlier analyses used. Identify earlier analyses and state where they are available for review.
- Impacts inadequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and whether such effects were addressed by mitigation measures based on the earlier analysis.
- Mitigation measures. For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Authority: Public Resources Code Sections 21083 and 21087.
Reference: Public Resources Code Sections 21080(c), 21080.1, 21080.3, 21082.1, 21083, 21083.3, 21093, 21094, 21151; *Sundstrom v. County of Mendocino*, 202 Cal. App. 3d 296 (1988); *Leonoff v. Monterey Board of Supervisors*, 222 Cal. App. 3d 1337 (1990)

ENVIRONMENTAL CHECKLIST ANALYSIS

SUPPORTING INFORMATION SOURCES

following discussions and evaluations in this document have been used as sources of information by CIWMB staff in the environmental analysis and findings for this Environmental Checklist and Initial Study. The following reference numbers correspond to numbers enclosed in parentheses under the subsections of the Environmental Checklist.

Reference (1) : EVALUATION OF CHECKLIST SECTIONS DEEMED NOT APPLICABLE TO THIS PROJECT (see discussion below).

Reference (2) : EVALUATION OF SPECIFIC CHECKLIST SECTIONS THAT COULD HAVE POTENTIAL IMPACTS (see discussion below).

(1)

EVALUATION OF CHECKLIST SECTIONS DEEMED NOT APPLICABLE TO THIS PROJECT:

The approval, adoption, and implementation of the permanent Financial Assurance Enforcement Regulations are intended to ensure effective and consistent enforcement of financial assurance requirements for operational liability and closure and post closure maintenance costs at solid waste landfills. Enforcement of these proposed regulations is expected to have many beneficial effects on public health and safety, and the environment by ensuring that landfills operating in the State will have adequate funds or other financial mechanisms to guarantee operational liability coverage, and ensure that landfills are closed and maintained in a manner consistent with required protection of public health and safety, and the environment.

The environmental setting for these regulations will involve various landfill locations throughout California and will not be applicable to any specific site or locale. Since the basic project is the adoption and implementation of regulations, and the regulations do not refer to specific sites or locales, the CIWMB has determined that there is no possibility that the proposed regulations will cause significant impacts to the following ENVIRONMENTAL CHECKLIST Sections and Subsections:

- I. LAND USE AND PLANNING (all subsections)
- II. POPULATION AND HOUSING (all subsections)
- III. GEOLOGIC PROBLEMS (all subsections)
- IV. WATER (subsections a,b,d,e,f,g, and i)
- V. AIR QUALITY (subsection C)
- VI. TRANSPORTATION/CIRCULATION (subsections b through g)

ENVIRONMENTAL CHECKLIST ANALYSIS

EVALUATION OF CHECKLIST SECTIONS DEEMED NOT APPLICABLE TO THIS PROJECT (continued):

- II. BIOLOGICAL RESOURCES (all subsections)
- III. ENERGY AND MINERAL RESOURCES (all subsections)
- IX. HAZARDS (subsections b, d, and e)
- I. NOISE (all subsections)
- II. PUBLIC SERVICE (all subsections)
- III. UTILITIES AND SERVICE SYSTEMS (all subsections)
- III. AESTHETICS (subsections a, and c)
- IV. CULTURAL RESOURCES (all subsections)
- IV. RECREATION (all subsections)
- VI. MANDATORY FINDINGS OF SIGNIFICANCE

(2)

EVALUATION OF SPECIFIC CHECKLIST SECTIONS THAT COULD HAVE POTENTIAL IMPACTS:

As explained in the Project Description of the Initial Study, the proposed regulations will 1) exclude State and Federal agencies from California Financial Assurance Requirements; 2) define the scope and responsibilities of CIWMB staff in pursuing appropriate enforcement action regarding financial assurance requirements; and 3) ensure effective and consistent enforcement of financial assurance requirements for operational liability and closure and post closure maintenance costs at solid waste landfills. These proposed project activities are examined individually below and evaluated for potential environmental impacts.

1) Exclusion of the Federal and State Government

Exclusion of the Federal and State government from financial assurance enforcement requirements is not expected to result in environmental impacts for the following reasons:

- 1) Federal and State governments are permanent and stable institutions existing to protect health and welfare, and have the requisite financial strength and incentives to cover closure and postclosure maintenance costs.
- 2) Federal and State agencies have flexibility in their annual budgets, facilitating reallocation of funds for a specific purpose. These entities

ENVIRONMENTAL CHECKLIST ANALYSIS

EVALUATION OF SPECIFIC SECTIONS IN THE CHECKLIST THAT COULD HAVE POTENTIAL IMPACTS (continued):

• have relatively rapid access to other sources of financing, such as intergovernmental transfers.

3) Only 4% of the active solid waste landfills in California are operated by a Federal or State agency.

Federal and State governments have clear incentives for providing for the closure and postclosure maintenance of landfills, consequently the probability of a state or federal entity violating the requirements is negligible. Few of the State's landfills are operated or owned by a federal or state entity. There is also the question of the appropriateness of the State taking enforcement against itself or the Federal government. In addition, there is only one state operated landfill in California providing full coverage for closure and postclosure maintenance costs. There are also provisions built into the Federal government financial assurance mechanism, virtually eliminating the need for enforcement. The federal certification is a one time demonstration which does not require updating or funding.

For these reasons, exclusion of the Federal and State government from these regulations is not expected to cause any significant environmental impacts.

2) Defining the Scope and Responsibility of the CIWMB

Defining the scope and Responsibility of the CIWMB in the enforcement of financial assurance regulations is primarily a clarification of existing statutes and regulations, and is not anticipated to have any potential for significant environmental impacts.

3) Ensuring the Effective and Consistent Enforcement of Financial Assurance Requirements

As stated above, the enforcement of these proposed regulations is expected to have many beneficial effects on public health and safety, and the environment by ensuring that landfills operating in the State will have adequate funds or other financial mechanisms to guarantee operational liability coverage, and ensure that landfills are closed and maintained in a manner consistent with required protection of public health and safety, and the environment. Under a "worst case scenario," however, the enforcement of Notice and Orders and/or imposition of financial penalties, as specified in the proposed regulations, could have the potential to result in early closure or abandonment of landfills in very rare cases.

The CIWMB has determined that there could be a potential for environmental impacts under certain Sections of the ENVIRONMENTAL CHECKLIST if landfill early closure or abandonment were to occur, therefore careful environmental review was made for those Sections of the Checklist. The potential impacts, environmental analysis, and resultant findings are presented below for the following Environmental Checklist Sections:

ENVIRONMENTAL CHECKLIST ANALYSIS

EVALUATION OF SPECIFIC SECTIONS IN THE CHECKLIST THAT COULD HAVE POTENTIAL IMPACTS (continued):

IV. WATER

(subsections c, and h)

Potential Impacts: Abandonment, or improper closure of an active landfill could leave facilities with inadequate waste coverage, unstable slopes, and inadequate landfill gas and leachate monitoring and recovery systems. This could result in erosion, discharge of waste or leachate materials into surface waters, and the potential for contamination of groundwater due to landfill gas and leachate migration.

Closure of landfills without alternative landfills or transfer disposal stations nearby could increase illegal dumping of solid waste in some areas. This could also result in impacts to surface water and groundwater.

Evaluation: CIWMB Financial Assurance Section (FAS) staff estimate that there are approximately 300 active and inactive, permitted landfills in California that would be subject to these proposed regulations, along with any future landfills yet to be permitted. The proposed financial assurance regulations are expected to be instrumental in ensuring that these landfills will be closed and maintained in a manner that provides the maximum practical protection to public health and safety, and the environment. FAS staff estimates that 95.5% of these facilities are already in full compliance with the financial assurance regulations for landfills, and that only 13 facilities (4.5%) are not in full compliance.

Of the 13 facilities that could be subject to enforcement procedures under the proposed regulations, 12 of the facilities are operated by public agencies, and only one is operated by a private company. Given the provisions in the proposed regulations for Notice and Order (N&O) timeframe extensions for enforcement actions, N&O alternate schedules for enforcement actions, non-penalty compliance options, and the proposed appeals process; FA staff estimate that approximately one facility out of the 300 has a potential for early closure or abandonment due to the adoption and implementation of the proposed regulations.

When considering the beneficial environmental impacts that these proposed regulations are expected to have on the operation and closure of a large majority of these solid waste landfills, the potential for adverse environmental impacts to one facility (0.03%), is relatively negligible. The potential benefits far outweigh the risks.

In addition, if a landfill were to be abandoned or forced into early closure, due to enforcement of the proposed regulations under a "worst case scenario," there are existing statutes and regulations

ENVIRONMENTAL CHECKLIST ANALYSIS

EVALUATION OF SPECIFIC SECTIONS IN THE CHECKLIST THAT COULD HAVE POTENTIAL IMPACTS (continued):

that would help identify and prevent impacts to public health and safety, and the environment.

If a permitted facility were forced to close early, it would have to do so under the existing closure plans, or a modification of the closure plans that would be subject to a site-specific CEQA review. If substantial quantities of waste were to be diverted to other landfills, a Solid Waste Facility Permit (SWFP) revision may be required for the revision of the SWFP for the receiving landfill. Potential impacts from the acceptance and transfer of that waste to the proposed receiving facility should be considered as part of the site specific environmental review for the modification or revision of the SWFP for the receiving facility.

If a landfill were abandoned as a result of enforcement of the proposed regulations, there are provisions under Assembly Bill 2136, and other existing statutes and regulations that would allow the CIWMB to take environmental remediation action at the site to prevent impacts to public health and safety, and the environment. These regulations would allow the CIWMB to use funds in the existing Financial Assurance package for the facility, and/or seek compensation from the owner or operator for remediation expenses.

Finding: For the reasons listed above, significant impacts to surface water quality, and groundwater quality are found to be not significant for this proposed project.

V. AIR QUALITY

(subsections a, b, and c)

Potential Impacts: Abandonment of an active or improperly closed landfill could leave landfills with inadequate waste coverage, unstable slopes, and inadequate landfill gas and leachate monitoring and recovery systems. This could result in the exposure of waste materials, surface cracking, generation of dust, release of landfill gases, and the generation of odors from decomposing waste.

Closure of landfills without alternative landfills or transfer stations nearby could also result in waste being transported longer distances to other landfills, creating a potential for increased air pollution due to additional vehicle mileage.

Evaluation: See evaluation in IV. WATER, above.

Finding: For the reasons listed above, significant impacts to air quality standards, sensitive receptors, and odors are found to be not significant for this proposed project.

ENVIRONMENTAL CHECKLIST ANALYSIS

VALUATION OF SPECIFIC SECTIONS IN THE CHECKLIST THAT COULD HAVE POTENTIAL MPACTS (continued):

I. TRANSPORTATION/CIRCULATION

(subsection a)

Potential Impacts: Closure of landfills without alternative landfills or transfer disposal stations nearby could result in waste being transported longer distances to other landfills, creating a potential for increased vehicle trips and traffic congestion.

Evaluation: See evaluation in IV. WATER, above.

Finding: For the reasons listed above, significant impacts to increased vehicle trips or traffic congestion are found to be not significant for this proposed project.

IX. HAZARDS

(subsections a, and c)

Abandonment of active or improperly closed landfills could leave landfills with inadequate waste coverage, unstable slopes, and inadequate landfill gas and leachate monitoring and recovery systems. This could lead to a risk of accidental explosion or release of hazardous substances, and/or the creation of health hazards from landfill gases and leachate, vector propagation, and decomposition of wastes.

Evaluation: See evaluation in IV. WATER, above.

Finding: For the reasons listed above, significant impacts from accidental explosion, release of hazardous substances, and the creation of health hazards are found to be not significant for this proposed project.

XII. AESTHETICS

(subsection b)

Abandonment of active or improperly closed landfills could leave landfills with inadequate waste coverage, unstable slopes, and inadequate landfill gas and leachate monitoring and recovery systems. Closure of landfills without alternative landfills or transfer disposal stations nearby could increase illegal dumping of solid waste in some areas. These events could lead to exposure of waste, litter, erosion, and other negative aesthetic impacts.

Evaluation: See evaluation in IV. WATER, above.

ENVIRONMENTAL CHECKLIST ANALYSIS

EVALUATION OF SPECIFIC SECTIONS IN THE CHECKLIST THAT COULD HAVE POTENTIAL IMPACTS (continued):

Finding: For the reasons listed above, significant impacts in the area of potential negative aesthetic effects are found to be not significant for this proposed project.



California
Environmental
Protection
Agency

Integrated
Waste
Management
Board

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Sacramento CA 95826
(916) 255-2200



Pete Wilson
Governor

James M. Strock
Secretary for
Environmental
Protection

NEGATIVE DECLARATION

September 18, 1996

Pursuant to the California Environmental Quality Act (CEQA) Statutes, Public Resources Code (PRC) Section 21080(c), and CEQA Guidelines in Title 14 of the California Code of Regulations (CCR) Sections 15070 and 15071; the Environmental Review Section Manager of the California Integrated Waste Management Board (CIWMB) does prepare, make, declare, publish and cause to be filed with the California State Clearinghouse, this Negative Declaration re: The project described as follows:

1) Title and Short Description of Project:

Approval, Adoption, and Implementation of Division 2, Subdivision 1, Chapter 6, Subchapter 4, Article 1, Sections 22270 through 22278 of Title 27, California Code of Regulations (CCR). The California Integrated Waste Management Board is proposing to adopt regulations to define and clarify the scope, responsibility, notification steps, and penalty assessment methods of financial assurance requirements for solid waste landfills.

2) Location of Project:

The project involves statewide regulations and is not site specific.

3) The proposed project will not have a significant effect on the environment for the following reasons:

An Initial Study was conducted, and findings were made, that shows that there is no substantial evidence that this proposed project may have a significant effect on the environment (reference CCR, Section 15070).

September 18, 1996

4) Environmental Impact Report Requirement:

As a result of the Initial Study and Findings, the preparation of an Environmental Impact Report pursuant to CEQA Guidelines, CCR Section 15065 is not required.

6) Information Pertaining to the Initial Study

The attached Initial Study has been performed by the Environmental Review Section of the California Integrated Waste Management Board in support of this Negative Declaration. Further information may be obtained by contacting:

William L. Ishmael
Environmental Review Section
Permitting and Enforcement Division
CIWMB
8800 Cal Center Drive
Sacramento, CA 95826
(916) 255-3305

By



Mark De Bie
Manager
Environmental Review Section
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CIWMB